

**Editorial Notes**

## AMENDMENTS

1997—Subsec. (d)(1). Pub. L. 105–85, § 599(a)(3)(A), substituted “as follows:” and subpars. (A) to (C) for “who are officers having the grade of major or lieutenant commander or above.”

Subsec. (d)(4). Pub. L. 105–85, § 599(a)(3)(B), substituted “section 1503(c)(4)” for “section 1503(c)(3)”.

Subsec. (f)(1). Pub. L. 105–85, § 599(d)(1), inserted at end “The identity of counsel appointed under this paragraph for a missing person shall be made known to the missing person’s primary next of kin and any other previously designated person of the person.”

Subsec. (i)(1). Pub. L. 105–85, § 1073(a)(30), substituted “this section” for “this subsection”.

1996—Subsec. (d)(1). Pub. L. 104–201, § 578(a)(3)(A), added text of par. (1) and struck out former text of par. (1) which read as follows: “A board appointed under this section shall be composed of at least three members as follows:

“(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

“(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

“(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

“(ii) such members of the armed forces as the Secretary considers advisable.

“(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

“(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

“(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board’s inquiry to the number of civilians who are subjects of the board’s inquiry.”

Subsec. (d)(4). Pub. L. 104–201, § 578(a)(3)(B), substituted “section 1503(c)(3)” for “section 1503(c)(4)”.

**§ 1505. Further review**

(a) **SUBSEQUENT REVIEW.**—The Secretary concerned shall conduct subsequent inquiries into the whereabouts and status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

(b) **FREQUENCY OF SUBSEQUENT REVIEWS.**—The Secretary concerned shall conduct inquiries into the whereabouts and status of a person under subsection (a) upon receipt of information that may result in a change of status of the person. The Secretary concerned shall appoint a board to conduct such inquiries.

(c) **ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.**—(1) Whenever any United States intelligence agency or other element of the Government finds or receives information that may be related to a missing person, the information shall promptly be forwarded to the Secretary of Defense.

(2) Upon receipt of information under paragraph (1), the Secretary of Defense shall as expe-

ditiously as possible ensure that the information is added to the appropriate case file for that missing person and notify (A) the designated missing person’s counsel for that person, and (B) the primary next of kin and any previously designated person for the missing person of the existence of that information.

(3) The Secretary of Defense, with the advice of the missing person’s counsel notified under paragraph (2), shall determine whether the information is significant enough to require a board review under this section.

(d) **CONDUCT OF PROCEEDINGS.**—If it is determined that such a board should be appointed, the appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

(Added Pub. L. 104–106, div. A, title V, § 569(b)(1), Feb. 10, 1996, 110 Stat. 345; amended Pub. L. 104–201, div. A, title V, § 578(c), Sept. 23, 1996, 110 Stat. 2536; Pub. L. 113–291, div. A, title IX, § 916(c), Dec. 19, 2014, 128 Stat. 3478; Pub. L. 114–328, div. A, title IX, § 953(b), Dec. 23, 2016, 130 Stat. 2376.)

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2016—Subsec. (c). Pub. L. 114–328 substituted “Secretary of Defense” for “designated Agency Director” in pars. (1), (2), and (3).

2014—Subsec. (c)(1). Pub. L. 113–291, § 916(c)(1), substituted “the designated Agency Director” for “the office established under section 1501 of this title”.

Subsec. (c)(2), (3). Pub. L. 113–291, § 916(c)(2), substituted “designated Agency Director” for “head of the office established under section 1501 of this title”.

1996—Subsec. (b). Pub. L. 104–201 reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

“(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

“(B) not later than every three years thereafter.

“(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

“(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

“(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

“(B) if, before the end of such 30-year period, the missing person is accounted for.”

**§ 1506. Personnel files**

(a) **INFORMATION IN FILES.**—Except as provided in subsections (b), (c), and (d), the Secretary concerned shall, to the maximum extent practicable, ensure that the personnel file of a miss-